

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, JUNE 6, 2011 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **SILENT INVOCATION AND PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Minutes:**

Regular City Commission Meeting – May 16, 2011.

The Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of May 16, 2011 as presented.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Special Presentation by Mayor Masiarczyk.**
 - B. **Presentation – Superstar Student of the Month Certificates – May, 2011.**
 - C. **Certificate of Recognition from United Way for the Youth Advisory Sub-Committee.**
 - D. **Certificate of Recognition – Bugles across America and**

American Legion to Engineer/EMT Jason Pratt and Deputy Ricky L. Wright.

E. Certificate of Recognition – VCSO Investigator Chad Raymond.

**6. PUBLIC FORUM – Citizen Comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

A. Request for approval to purchase two vehicles piggybacking the Florida Sheriff's Association Contract #10-18-0907.

This is a request to piggyback the Florida Sheriff's Association for the purchase of (1) Ford F-250 and (1) Ford Expedition. These replacement vehicles were approved in the 10/11 budget and they meet the City of Deltona Vehicle Replacement Guidelines. Both of the vehicles to be replaced are from 2002 and have experienced frequent breakdowns and have required numerous repairs the last two years.

By not funding these vehicles, support of the Fire Department's administrative personnel may be somewhat limited due to the potential unavailability of the support staff on larger events. Staff personnel provide back-up to on-duty Battalion Chiefs during large-scale events and when the on-duty Battalion is otherwise unavailable. Fire Loss personnel maintain an on-call status and respond to large incidents, investigate fires and frequently visit construction sites requiring 4-wheel drive. Since this initiative was not funded last fiscal year, these vehicles have only become more worn.

Vehicles to be replaced include: Deputy Chief Vehicle - 4X4 Expedition with emergency lighting and graphics and Fire Loss Management Inspector's Vehicle - F-250 4X4 truck with lighting and graphics. Radios will be reused from existing vehicles and moved to the replacement units.

The two vehicles in question have in excess of 70,000 miles and have begun to need emergent maintenance; sometimes breaking down while responding to incidents. The 2002 Ford Explorer (02-21) has had in excess of \$3,000.00 in repair and maintenance the last three years. The 2002 F250 (02-232) has had in excess of \$2,200.00 in repairs the last two years with more than \$1,100.00 this fiscal year.

The cost of the F-250 is \$31,535.00 from Duval Ford. and with the added graphics up to \$1600.00 the total cost is up to \$33,135. The cost of the Expedition is \$37,418.00 from Hub City Ford and with the added graphics of up to \$1600.00 the total cost is \$39,018.00 These are the approved vendors and pricing on the Sheriff's contract.

After discussion, the Commission voted 6 to 1 (with Commissioner Denizac voting against the motion) – to approve piggybacking Florida Sheriff's Association Contract #10-18-0907 for the purchase of one Ford Expedition at a total cost of \$37,418 without the \$1600 graphics package and to reuse any parts available off of the existing vehicle.

B. Request for approval of Resolution No. 2011-16, Opposing the U.S. Environmental Protection Agency's Proposed Numeric Nutrient Criteria (NNC) for Florida as set forth in the Water Quality Standards for the State of Florida's Lakes and Flowing Waters Ruling.

In January 2009, the United States Environmental Protection Agency (EPA) established a rule requiring exceptionally stringent limits on nitrogen and phosphorous contaminants discharged to Florida surface waters. These rules apply to the State of Florida only and will significantly impact discharges of wastewater, reclaimed water and stormwater by virtually all municipal governments and private land holders in the State. The low concentration levels of these contaminants required by the new legislation are, in some cases, well below the "background" discharge which occurs in stormwater runoff from undeveloped property. Costs for compliance with these standards are potentially very high. At this time staff, cannot accurately estimate the probable cost of needed improvements, but believe that capital costs in excess of \$20,000,000 and annual operating costs of more than \$2,000,000 could be incurred for compliance.

In recognition of this state-wide problem, the Florida Department of Environmental Protection has filed a petition requesting that the EPA rescind the numeric nutrient criteria which they have imposed. The DEP maintains that Florida already has one of the strongest nutrient pollution control programs in the country and has a comprehensive framework of accountability as well as the authority in place to address necessary nutrient reductions in impaired waters.

The Florida League of Cities has indicated that it would be helpful if the various local governments also adopt a resolution in support of the FDEP efforts to rescind the numeric nutrient criteria and provide same to the EPA. The Resolution follows the suggested outline provided by the League of Cities.

After discussion, the Commission voted unanimously to adopt Resolution No. 2011-16, requesting that the USEPA rescind the Numeric Nutrient Criteria

for Florida and authorize the City Manager to transmit the Resolution to the US Environmental Protection Agency, the Florida Senate, the Florida House of Representatives and each member of the Florida congressional delegation.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 05-2011, an ordinance pertaining to Home Occupations for second and final reading.

At the regular City Commission Meeting of May 2, 2011, the Commission adopted the Ordinance No. 05-2011. Unfortunately, it was discovered after the fact that the title of the ordinance was not read at the meeting. Therefore, the ordinance needs to be read and voted upon again.

After discussion, the Commission voted 5 to 2 (with Commissioner Herzberg and Vice Mayor Treusch voting against the motion) to approve Ordinance No. 05-2011 on second and final reading.

B. Public Hearing – Ordinance No. 07-2011, Amending Section 110-808.15, and to remove Section 110-808.05(e), Additional bufferyard requirements, of the City's Land Development Code, by eliminating the requirement of a buffer wall or that provides for screen walls adjacent to parking facilities for second and final reading.

Section 110-808 of the City's Code of Ordinances addresses the landscaping requirements for the City of Deltona. The section makes provisions for all categories of land uses within the City to ensure proper aesthetics on-site, buffering and screening from adjacent land uses for compatibility, the ability to provide for streetscape or right-of-way enhancement, and as a type of method to transition intensity and density between land uses.

Section 110-808 is comprehensive and includes some applicable criteria to promote better site development. However, the City is unique in that it has parcels that were platted to accommodate residential uses that have been converted to non-residential development or were platted to be utilized for neighborhood-oriented commercial. Reuse or redevelopment of these commercial sites can be a challenge because tracts usually are not large enough to accommodate contemporary Code requirements such as stormwater management systems, parking, access management, and solid waste collection. In addition, these commercial sites are typically not associated with the requisite land square footage to allow for project landscaping consistent with Section 110.808. Therefore, changes to Section 110-808 are proposed to facilitate more efficient reuse and redevelopment of existing commercial buildings within the City. Note that these actions do not eliminate the requirement for land use compatibility and that screening material can be required per site to ensure compatibility with adjacent land uses.

The addition of Section 110-808.15 adds the following criteria to accommodate developed sites within the City that cannot comport to current on-site landscaping requirements:

Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

- 1. The property is currently zoned for commercial or industrial use.*
- 2. The change in use will not require a rezoning.*
- 3. The proposed use is a Permitted or Conditional Use in the current zoning district.*
- 4. No expansion will occur to the building gross square footage.*

Development proposals that meet these criteria shall provide at least 15% of landscape coverage to include a variety of trees, shrubs, and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations, and provide buffers that may include attractive fences, where appropriate, along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.

Further, the proposed Ordinance No. 07-2011 includes language to eliminate Section 110-808.05(i), Additional bufferyard requirements, which states:

A minimum four-foot high wall having the appearance of or being of masonry, finished concrete, or brick construction shall be erected around the perimeter of parking lots that are situated behind the buffer yards, and not screened from view by an intervening building. Such walls shall not be required in side yards that abut common lot lines between vacant or developed properties not zoned or used for residential land uses. Masonry and concrete walls shall be finished on both sides with brick or with split face block or stucco. Split face block or stucco shall be in earth tones or pastel colors. Masonry and concrete walls shall be capped. The requirement for a four-foot high wall may be eliminated in the front and side buffer area if the following conditions apply: The existing platted commercial lot has a lot depth of 150 feet or less; and the proposed commercial building has 10,000 square feet in area or less; and no parking spaces are proposed to face the public right-of-way; and there is only one access-way between the single row of parking spaces facing a building and the front landscape buffer; and the front and side buffer areas do not face a residential use or zoning district; and where there are no loading zones visible from the street.

This item was presented to the Planning and Zoning Board (P&Z) at the April 20, 2011 meeting. The P&Z recommended that the City Commission approve Ordinance No. 07-2011. The item was also heard for first reading at the May 16, 2011, City Commission Public Hearing and passed with a slight modification on a 5-2 vote.

After discussion, the Commission voted unanimously to approve Ordinance No. 07-2011 amending the City's Code of Ordinances to add Section 110-808.15 and to remove Section 110-808.05(i), Additional bufferyard requirements, at second and final reading.

- C. **Public Hearing - Ordinance No. 08-2011, Modifications to the Land Development Code to expand opportunities for Group Homes and Nursing Homes, for first reading.**

At the regular City Commission Meeting of May 16, 2011, the Commission approved the Ordinance No. 08-2011 for first reading. Unfortunately, it was discovered after the fact that the advertisement did not meet F.S. requirements. Therefore, the advertisement was published correctly and the Ordinance needs to be read and voted upon again.

After discussion, the Commission voted unanimously to approve Ordinance No. 08-2011, adding Group Homes to the A, RE-1, RE-5, R-1AAA, AA, A, and R-1, R-1B, R-2, PB, and C-1 zoning districts as a Conditional Use and adding Nursing Homes to the A, RE-1, RE-5, R-1AAA, AA, A, and R-1, R-1B, R-2, RM-1, RM-2, PB, and C-1, as a Conditional Use; to update requirements for Group Homes and Nursing Homes; and to change the Group Homes and Nursing Homes definition to be consistent with State laws and regulations, at first reading and to schedule second and final reading for June 20, 2011.

- D. **Ordinance No. 10-2011, Amending Section 66-18(j) of the City's Code of Ordinances, Prohibiting vehicle repair service in residential areas, for first reading.**

During the work on the recently adopted home occupation ordinance, Mr. Baker related that vehicle repairs being conducted in residential neighborhoods is one of the most frequent complaints fielded by Enforcement Services. Based upon discussions about those problems, an early version of the ordinance was created. Based upon discussion about that Ordinance by the Commission, the Ordinance prevents vehicle repairs at unlicensed locations except that it allows vehicles to be repaired on residential premises so long as the vehicle is owned by the owner or occupant of the premises. The vehicle must also be registered to the premises. The Ordinance also clarifies that routine maintenance is maintenance not taking more than 8 hours. Repairs must be completed between the hours of 8:00 a.m. to 8:00 p.m.

After discussion, the Commission voted unanimously to adopt Ordinance No. 10-2010 on first reading, and to schedule second and final reading for June 20, 2011.

- E. **Public Hearing - Ordinance No. 11-2011, Creating Section 38-140 of the City's Code of Ordinances, Prohibiting interference with funerals and memorial**

services for second and final reading.

A request was made to adopt an ordinance limiting the time, place and manner of funeral protests. The Ordinance would make protesting and picketing within 1000 feet of a funeral illegal. The Ordinance also prohibits interfering with a funeral.

After discussion, the Commission voted unanimously to approve Ordinance No.11-2011 at second and final reading.

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Request for Approval to piggyback State of Florida contract #250-000-09-1 for the purchase of 110 desktops and 48 laptops from Dell for a citywide computer refresh.

The City has extended the refresh cycle for all computers City-wide to accommodate budgetary requirements. As such, most computers are five (5) years or older and in need of replacement. In order to continue to proceed with necessary software upgrades, maintain application stability, and be compatible with the latest web applications, City computers need to be on a current hardware platform.

IT Staff is requesting the purchase of 110 desktops and 48 laptops from Dell to replace out of warranty systems City-wide.

This will allow the City to retire equipment that is failing, degrading in performance and can no longer be maintained by our current computer vendor. Each of the systems have expired warranties that cannot be extended due to them being at the end of their life cycle. Purchasing all of them at one time will allow the City to standardize on one model of desktops and laptops. All purchases were budgeted for the 10/11 fiscal year.

After discussion, the Commission voted unanimously to approve piggybacking State of Florida Contract #250-000-09-1 for the purchase of 110 desktops and 48 laptops from Dell at a total cost of \$143,377.

B. Selection of Voting Delegate to the 85th Annual Florida League of Cities Conference.

The Florida League of Cities' Annual Conference will be held at the World Center Marriott in Orlando on August 11 - 13, 2011. This year's theme is Cities Work. The League is asking each City to designate one person to be the voting delegate. Policy development, election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each City will make decisions that determine the direction of the League.

After discussion, the Commission voted unanimously to select Commissioner Michael Carmolingo as the City's voting delegate to the 85th Annual Conference of the Florida League of Cities.

C. Selection of an Acting City Attorney.

Mr. Cooney's resignation as City Attorney as submitted on April 18, 2011, is effective June 19, 2011. The Commission will need to appoint a new Acting City Attorney to handle legal matters for the Commission for a time period until such time as a permanent replacement is appointed as City Attorney.

Notices of the Acting position were sent to the Volusia Bar Association and Seminole Bar Association, as well as to local law firms that practice municipal law. To date, the City has received letters of interest from the following firms listed in the order received:

- *Cino, Charles*
- *Shepard, Smith & Cassidy, PA*
- *Parker, Amber B.*
- *Fishback Dominick*
- *Choi, Jung H.*
- *Fowler, O'Quinn, Feeney & Sneed*
- *Vose Law Firm*
- *Bryant, Miller, & Olive*

The individuals/firms have been invited to attend the June 6th Regular Commission meeting to respond to any questions the Commission members may have.

After discussion, the Commission voted unanimously to select the Vose Law Firm at an hourly rate of \$150.00 to serve as the Acting City Attorney beginning June 20, 2011.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.